

EXHIBIT 13

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

SWISSDIGITAL USA CO., LTD.

Plaintiff,

v.

SAMSONITE INTERNATIONAL S.A.

Defendant.

Civil Action No. 6:23-cv-00196-ADA

DEMAND FOR JURY TRIAL

PLAINTIFF SWISSDIGITAL’S PRELIMINARY INFRINGEMENT CONTENTIONS

Swissdigital USA Co., Ltd. (“Plaintiff” or “Swissdigital”), by its undersigned attorneys, serves its Preliminary Infringement Contentions¹ against Defendant Samsonite International S.A. (“Defendant” or “Samsonite”) as follows:

I. Preliminary Statement and Reservation of Rights

These contentions are based upon Swissdigital’s current knowledge, understanding, and investigation to date regarding Defendant’s infringement of the asserted claims of United States Patent Nos. 10,574,071 (“the ’071 Patent”), 10,931,137 (“the ’137 Patent”), 10,931,138 (“the ’138 Patent”), and 11,601,009 (“the ’009 Patent”) (collectively, the “Asserted Patents”). Swissdigital’s investigation remains ongoing, and these preliminary infringement contentions are subject to supplementation and revision. Further, the parties have not yet identified any proposed claim terms for construction or provided any proposed constructions for such terms. Nor has the Court

¹ Per this Court’s Standing Order Governing Proceedings (OGP) 4.3 – Patent Cases, Plaintiff’s deadline to serve preliminary infringement contentions has not yet passed. Plaintiff serves these preliminary infringement contentions at this time to afford Samsonite notice of the exemplary Accused Products and asserted claims. Plaintiff will amend these preliminary infringement contentions prior to the deadline in the OGP.

issued any claim construction rulings. Swissdigital reserves the right to supplement or amend these contentions for any reason, including as additional information becomes available and based on any claim construction rulings by the Court. These contentions should not be taken as an indication of Swissdigital's positions regarding the proper construction of any term. Swissdigital's proposed constructions for disputed claim terms, if any, will be disclosed at the appropriate time in accordance with the scheduling order in this case once one issues. These contentions may be made in a variety of alternatives, and not all interpretations are necessarily intended or required to be consistent with each other and/or with other contentions in this action. Swissdigital's contentions do not constitute admissions or adoptions of any particular construction, claim scope, or plain and ordinary meaning. Rather, contentions may be applicable under a variety of constructions in order to provide an adequate disclosure in advance of claim construction. Swissdigital objects to any attempt by Defendant to derive alleged claim construction positions from these contentions or to otherwise use any of these contentions in claim construction proceedings.

These contentions are provided without prejudice to Swissdigital's right to rely on expert opinions, deposition testimony of fact witnesses, and documentary or physical evidence subsequently produced during discovery, among other materials. These contentions are not intended to identify all evidence of infringement by Defendant. Nor are these contentions intended to identify all legal theories for Defendant's infringement. Rather, consistent with the Court's orders, these contentions are intended only to set forth where in the accused products and processes each element of the asserted claims are found.

To the extent these contentions contain any information subject to attorney-client privilege or attorney work-product immunity, the disclosure of any protected information in these

contentions is inadvertent and does not constitute a waiver of any such privilege or immunity. Swissdigital reserves all rights under all such privileges and immunities.

II. Asserted Claims, Accused Products, and Claim Charts

As set forth in the attached preliminary claim charts (Exhibit A), Swissdigital contends that Samsonite's actions relating to at least the following of Samsonite's products (collectively, the "Accused Products"), infringe and continue to infringe at least claims 1, 6, 9, and 10 of the '071 Patent, at least claims 1, 3–5, 8–10, 13, and 18–21 of the '137 Patent, at least claims 1, 2, 4–6, 8–11, and 16–23 of the '138 Patent, and at least claims 1, 2, 4–6, 8–11, 16–22, and 29 of the '009 Patent (collectively, the "Asserted Claims") directly or indirectly, and either literally or under the doctrine of equivalents:

Samsonite SXX Prime Expandable Backpack

Samsonite SXX Slim Backpack

Samsonite SXX Carry-On Expandable Spinner

Samsonite SXX Spinner Underseater

Samsonite Pro Backpack

Samsonite Pro Vertical Spinner Mobile Office

Samsonite Pro Standard Backpack

Samsonite Pro Slim Backpack

Samsonite Pro 15.6" Slim Messenger

Samsonite Pro Double Compartment Brief

Samsonite Pro Carry-On Expandable Spinner

Samsonite Pro Upright Mobile Office

Samsonite Carrier Tucker Backpack

Samsonite Carrier Underseater

Samsonite Carrier GSD Backpack

Samsonite Quadrion Standard Backpack

Samsonite Quadrion Slim Backpack

Samsonite Quadrion Messenger Bag

Samsonite Mobile Solution Deluxe Carryall Limited Edition

Samsonite Mobile Solution Classic Duffel Limited Edition

Samsonite Mobile Solution Carry-On Expandable Spinner

Samsonite Mobile Solution Mobile Office Softside Carry-On Spinner

Samsonite Mobile Solution 19" Softside Carry-On Spinner

Samsonite Women's Mobile Solution Business

Samsonite Silhouette 16 Underseat Carry-On Spinner

Samsonite Silhouette 16 Expandable Carry-On Spinner

Samsonite Silhouette 16 Softside Expandable Carry-On Spinner Suitcase

Samsonite Silhouette 16 Softside Expandable Wheeled Carry-On

Samsonite Silhouette 16 Softside Underseat Carry-On

Samsonite Tectonic Sweetwater Backpack

Samsonite Silhouette 16 Underseat Wheeled Carry-On

Samsonite Advance Eco 22 x 14 x 9 Carry-On Spinner

Samsonite Insignis Underseater Wheeled Carry-On

Samsonite Insignis Carry-On Expandable Spinner

Samsonite Theorum Underseater Spinner

Samsonite Agilis 25" Softside Spinner Suitcase

Samsonite Armage Carry-On Expandable Spinner

Samsonite Spinner Underseater with USB Port, Rolling Carry-On With Laptop Pocket

Samsonite Lineate Softside Expandable Luggage with Spinner Wheels

Samsonite - Laser Pro 2 Laptop Backpack for 15.6" Laptops

EBAGS Pro Slim USB Laptop Backpack

EBAGS Kalya Underseat Carry-On with USB Port

American Tourister Star Wars R2D2 Underseater

High Sierra Business ProSlim USB Backpack

High Sierra Endeavor Elite 2.0 Backpack

Hartmann Ratio 2 Global Carry-On Spinner

Hartmann Carry-On Spinner

Hartmann Metropolitan 2 Global Carry-On Expandable Spinner Suitcase

Hartmann Herringbone Deluxe Underseater

Hartmann Ratio Classic Deluxe 2 Global Carry-On

Swissdigital reserves the right to accuse additional products beyond those listed above based on information revealed during discovery and/or Swissdigital's investigation.

The claim charts attached hereto as Exhibit A illustrate how the exemplary Accused Products satisfy the various elements of an exemplary independent claim and dependent claim of each of the Asserted Patents. Swissdigital reserves the right to prove infringement by relying on documents and/or portions of documents other than those cited in Exhibit A, which are merely exemplary. Swissdigital reserves the right to supplement and/or amend these preliminary contentions as appropriate and as permitted under this Court's schedule and orders, including in response to any alleged noninfringement or claim construction theory asserted by Defendant, in

response to any claim construction order issued by the Court, following or during fact or expert discovery, and/or upon the discovery of additional relevant evidence or information. Swissdigital reserves the right to assert additional patent claims, based on information revealed during discovery and/or investigation. Swissdigital reserves the right to prove infringement of any claim limitation under the doctrine of equivalents in the event that any claim limitation is deemed not to be satisfied literally, whether due to claim construction or any other reason. Swissdigital further reserves the right to supplement and/or amend its contentions relating to indirect infringement.

III. Effective Filing Date and Prosecution Histories

Swissdigital identifies the priority date for all Asserted Claims as November 18, 2014. This priority date is supported by the prosecution history of the Asserted Patents, which is produced concurrently with these preliminary infringement contentions. Swissdigital reserves the right to supplement and/or amend these disclosures for any reason, including should additional evidence be uncovered during discovery or Swissdigital's investigation.

Dated: August 28, 2023

Respectfully Submitted,

/s/ Dariush Keyhani

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CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2023 the foregoing document and all exhibits thereto were served via electronic mail to all counsel of record for Defendant.

/s/ Dariush Keyhani
Dariush Keyhani